

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NORMAN HOROWITZ,

Plaintiff,

-against-

NEW YORK CITY HOUSING AUTHORITY,

Defendant.
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MEMORANDUM AND ORDER

09-CV-2148 (FB)

ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:

Currently pending before this Court, on a referral from the Honorable Frederic Block, is a letter-request on behalf of plaintiff Norman Horowitz (“plaintiff”) for an extension of time (until October 22, 2009) to file an amended complaint in this action. See Letter from Kalmon Glovin, Counsel for Plaintiff, to Judge Block (Sept. 8, 2009) (“9/8/09 Pl. Letter”), ECF Docket Entry (“D.E.”) #9; see also Electronic Order (Sept. 9, 2009) (“Plaintiff’s application for an extension of time to file an amended complaint should be addressed to MJ Mann.”). Plaintiff’s application is granted in part, until September 28, 2009.

DISCUSSION

This is plaintiff’s *third* request for an extension of time to file an amended complaint. Plaintiff’s first request, filed on June 10, 2009, D.E. #5, was prompted by a letter-motion filed by defendant New York City Housing Authority (“defendant” or “NYCHA”), on June 3, 2009, requesting a premotion conference in connection with defendant’s anticipated motion to dismiss the complaint. See Letter from Kalmon Glovin to Judge Block (filed June 10, 2009), D.E. #5; Letter from Donna Murphy, Counsel for Defendant, to Judge Block (June 3, 2009), D.E. #4. Judge Block granted plaintiff’s request and gave plaintiff until July 15, 2009, to file

his amended complaint and his response to the defense request for a premotion conference. See Electronic Order (June 10, 2009).

On the July 15th deadline set by Judge Block, plaintiff moved again for additional time to file his amended complaint and to respond to defendant's request for a premotion conference. See Letter from Kalmon Glovin to Judge Block (July 15, 2009), D.E. #7. This Court granted that request and extended both deadlines to September 8, 2009, with defendant's consent. See Endorsed Order (July 21, 2009), D.E. #8. Plaintiff did not, by that deadline, file his amended complaint or respond to defendant's request for a premotion conference; instead, on September 8, 2009, plaintiff sought yet another extension of the two deadlines, until October 22, 2009. See 9/8/09 Pl. Letter. Judge Block granted in part plaintiff's request for an extension to respond to defendant's June 3rd request for a premotion conference; Judge Block extended that deadline only until September 28, 2009 (not October 22, 2009), and directed plaintiff to address to the undersigned magistrate judge his request for yet another extension of the deadline for amending his pleading. See Electronic Order (Sept. 9, 2009).

Plaintiff complains that defendant is "bent on frustrating [his] attempts to properly amend the Complaint" 9/8/09 Pl. Letter at 1. Specifically, he alleges that, in response to plaintiff's Freedom of Information Act request, NYCHA provided him with copies of "numerous" documents from his personnel file on August 18, 2009, and first provided him, on August 10, 2009, with "numerous" documents relating to a discrimination complaint filed by Lottie Lowery against NYCHA and plaintiff with the New York State Division of Human Rights. See id. Plaintiff further complains that the New York State Department of Labor ("NYSDOL") -- a non-party to this action -- has not supplied him with NYCHA's response to

plaintiff's request for Unemployment Benefits. See id. and second attachment thereto.

Plaintiff has now had in excess of a month to review the documents produced to date. Judge Block has determined that September 28th is an appropriate deadline by which plaintiff must respond to defendant's request for a premotion conference, which request was filed three-and-one-half months ago. A premotion conference before Judge Block is currently scheduled for October 2, 2009. See Electronic Orders (June 23, 2009, and September 9, 2009). Under the circumstances, this Court sets the same deadline (September 28, 2009) for the filing of plaintiff's amended complaint. For more than a month now, plaintiff has been in possession of the information identified in his July 15th request for additional time to amend; no reason appears why he cannot file his amended pleading within a week.¹

CONCLUSION

Plaintiff's request to extend the deadline for filing an amended complaint is granted in part and denied in part. Plaintiff shall file his amended complaint, via ECF, by September 28, 2009.

SO ORDERED.

**Dated: Brooklyn, New York
September 21, 2009**

**ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE**

¹ To the extent that, at a later date, non-party NYSDOL produces documents that warrant a further amendment, plaintiff may at that time apply for additional relief.